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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE**
9 **DISTRICT OF NEW JERSEY**

10 **ANTHONY RODRIGUEZ,**) **Case No.:**
11)
12 Plaintiff,)
13)
14 **v.**) **COMPLAINT AND DEMAND FOR**
15) **JURY TRIAL**
16 **NAVIENT SOLUTIONS, INC.,**)
17)
18 Defendant.) **(Unlawful Debt Collections Practices)**
19)

20 **COMPLAINT**

21 ANTHONY RODRIGUEZ (“Plaintiff”), by and through his counsel, Kimmel &
22 Silverman, P.C., alleges the following against NAVIENT SOLUTIONS, INC. (“Defendant”):

23 **INTRODUCTION**

24 1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act
25 (“TCPA”).

JURISDICTION AND VENUE

2 2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v.
3 Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

1 15. Plaintiff knew Defendant was using an automatic telephone dialing system and
2 automatic and/or pre-recorded messages as Defendant's calls began with a noticeable pause
3 and/or delay before a live representative came on the line.

4 16. Defendant's telephone calls were not made for "emergency purposes," but rather
5 were placed with the intent of ascertaining and collecting an alleged debt owed by Plaintiff.

6 17. Shortly after the calls began, Plaintiff sent Defendant a letter and demanded that
7 Defendant stop placing calls to his cellular telephone regarding the alleged debt.

8 18. Defendant heard and acknowledged Plaintiff's revocation of consent and demand
9 to stop calling his cellular telephone number.

10 19. Despite the above, Defendant persisted in calling Plaintiff on his cellular
11 telephone.

12
13 **DEFENDANT VIOLATED THE**
14 **TELEPHONE CONSUMER PROTECTION ACT**

15 20. Plaintiff incorporates the forgoing paragraphs as though the same were set forth
16 at length herein.

17 21. Defendant initiated multiple automated telephone calls to Plaintiff's cellular
18 telephone using a prerecorded voice.

19 22. Defendant initiated these automated calls to Plaintiff using an automatic
20 telephone dialing system.

21 23. Defendant's calls to Plaintiff were not made for emergency purposes.

22 24. Defendant's calls to Plaintiff, after he revoked consent, were not made with
23 Plaintiff's prior express consent.

CERTIFICATION PURSUANT TO L.CIV.R.11.2

I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not subject to any other action pending in any court, arbitration or administrative proceeding.

Respectfully submitted,

Dated: 2/12/20

By: /s/ Amy L. B. Ginsburg
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